

FREDERICK COUNTY PLANNING COMMISSION

Minutes of Meeting for
May 18, 2022 (DAY)
In Person/Virtual Meeting

See video for further meeting details: <http://frederickcountymd.gov/5956/Video-Archives>

Members Present: Sam Tressler III, Chair; Craig Hicks, Vice-Chair; Joel Rensberger, Secretary; Carole Sepe; and Robert White, Jr.

Members Absent: Terry Bowie

Staff Present: Mike Wilkins, Development Review Director; Kimberly Golden Brandt, Livable Frederick Director; Kathy Mitchell, Senior Assistant County Attorney; Mark Mishler, Traffic Engineer; Ashley Moore, Senior Planner; Cody Shaw, Principal Planner; Roman Steichen, Director, TransIT Services of Frederick County; and Karen James, Administrative Specialist,

The meeting was called to order at 9:30 a.m.

1. **PLEDGE OF ALLEGIANCE** Mr. Tressler

2. **ROLL CALL** Mr. Tressler

3. **MINUTES TO APPROVE** - March 16, 2022

Mr. Hicks motioned to approve the minutes as submitted; Mr. Rensberger 2nd.

VOTE	5-0-0-1
FOR:	5 - Tressler, Hicks, Rensberger, Sepe, White
AGAINST:	0
ABSTAIN:	0
ABSENT:	1 – Bowie

4. **PLANNING COMMISSION COMMENTS**

Mr. Rensberger asked about staff reports and how the list of reviewing agencies is generated. It was suggested that the Sustainability Commission could have a role in reviewing development projects and provide comment. Mr. Wilkins explained County Code does not provide any provisions for the Sustainability Commission to review and make comment for the Planning Commission's consideration and the Rules of Procedure is clear in that the daily operations, which includes who reviews what, is up to the Division and not to the Planning Commission. There was additional discussion between Mr. Wilkins and Planning Commission members on the topic. Mr. White expressed that there may be a way for this to be done without some of the hurdles mentioned and there was a strong rationale and ability to move forward on this. Ms. Mitchell also responded.

5. **AGENCY COMMENTS / AGENDA BRIEFING**

Ms. Brandt provided a review of upcoming meetings, including the Sugarloaf public hearing at 6 p.m., May 18, 2022; the Kenel Farm rezoning public hearing at 7 p.m., May 25, 2022; and Development Review items, Water and Sewer Plan amendments, Council member McKay's APFO amendment bill and other items at 9:30 a.m., June 8, 2022.

6. SITE PLAN

DECISION

- a) Jefferson Technology Park – GMP Building 1 Lot B-1 – (Continued from May 11, 2022)
The Applicant is requesting Site Development Plan approval for the construction of a 142,478 sq. ft. building for a proposed laboratory research, experimental, or testing use located on a 7.639-acre Site. Located at Southeast side of Jefferson Station Blvd. Tax Map: 76, Parcel: 568; Zoned: Mixed Use Development (MXD); Planning Region: Frederick. SP06-07 (AP# SP267815 APFO# A267817 FRO# F267816)
Cody Shaw, Principal Planner II

Staff Presentation:

Cody Shaw

Applicant Presentation:

Bruce Dean, attorney, McCurdy, Dean & Graditor, LLC
Eric Fischer, Trammell Crow Company

Public Comment:

In-person: 1

Live call-ins: 1

Recorded messages: 5

Jefferson Technology Park – GMP Building 1 Lot B-1 continued with the Planning Commission receiving public comment. Mr. Hicks mentioned an e-mailed public comment questioning the zoning and permitted use. Mr. Wilkins confirmed, (as did Ms. Mitchell and as noted in the staff report), this use is a permitted use in the commercial and the employment land base of an MXD. Ms. Sepe provided additional clarification on the code.

Mr. White shared his knowledge of the history of the property, and that it originally was not intended for residential. He said around 2014 it was changed to add residential because no one else was signing up. He also said although it goes beyond the purview of the Commission, he would like to see what is being done as far as protection of the neighborhood.

Applicant rebuttal was provided by Mr. Dean who read a statement prepared by members of the applicant team.

Mr. Rensberger spoke about the public comments and the topics of those comments, including the façade. Mr. Dean responded. Mr. Hicks asked about buffer areas, and discussion by the other members on additional topics continued.

Ms. Sepe said that because there had been so many discussions about the residential phase and the balance of the property, she wished to mention, and at least make sure that it is clear, that she worked on the original land development for this project 10 years ago. However, she stated her involvement was strictly on the residential phase, one of the residential sections of this project. She asked to make sure that it's clear she has no ties to it and doesn't want it to become a surprise. She asked to disclose, stating that her decisions with this specific project will have nothing to do with her previous engagement and that she can certainly stay objective.

Discussion continued between Ms. Sepe and Mr. Wilkins. Mr. White said that this site plan meets the intent of the original plan for Jefferson Tech Park. Fencing was discussed, as was lighting (height). Ms. Sepe asked the applicant to confirm that the user will follow performance standards for the office research industrial district and be compatible with research professional and business offices. Response from applicant, "yes." There was additional discussion about fencing.

Decision: Mr. Rensberger motioned that the Planning Commission approve Site Plan SP06-07, AP SP267815, with conditions and modifications as listed in the staff report for the proposed site plan to include Mr. Dean's stipulation that Mr. Smariga will coordinate with staff and the architect to affect meaningful changes to the northwest building façade and move towards a human scale, further to include Ms. Sepe's request that no fencing be utilized on site and that no new pole lighting exceed 18 feet in height, based on the findings and conclusions of the staff report and the testimony exhibits and documentary evidence produced at the public meeting.

Ms. Sepe said she seconded the motion with a modification to the pole lighting, "to not exceed the existing poles along the right-of-way." Mr. Rensberger agreed to that change. Mr. White said he could not vote for this because of the fencing language. Further discussion led to Mr. White withdrawing his objection.

<u>VOTE</u>	<u>5-0-0-1</u>
FOR:	5 - Tressler, Hicks, Sepe, Rensberger, White
AGAINST:	0
ABSTAIN:	0
ABSENT:	1 – Bowie

Break taken at 11:10 a.m. Meeting resumed at 11:20 a.m.

- b) Jefferson Technology Park – Lot B-2 – The Applicant is requesting Site Development Plan approval for the construction of a 214,568 sq. ft. building for a proposed laboratory research, experimental, or testing use and office business use located on a 11.940-acre site. Located at Southeast side of Jefferson Station Blvd. Tax Map: 76, Parcel: 568; Zoned: Mixed Use Development (MXD); Planning Region: Frederick. SP06-07 (AP# SP267818 APFO# A267818 FRO# F267819)
Cody Shaw, Principal Planner II

Staff Presentation:

Cody Shaw

Applicant Presentation:

Bruce Dean, attorney, McCurdy, Dean & Graditor, LLC
Jody Walker, Harris, Smariga & Associates
Eric Fischer, Trammell Crow Company
Vaki Mawema, Gensler Baltimore

Public Comment:

In-person: 0
Live call-ins: 1
Recorded messages: 1

Ms. Sepe asked questions about the entrances. She also questioned the type of material being used as fencing around the electrical yards, and since they are shown in prominent locations, could they be moved or shifted. Mr. Fisher said they would work with landscaping and staff to ensure the building is attractive to users as functionally and economically as possible. Use of native plants was questioned by Mr. Rensberger. Ms. Sepe asked about the visibility of rooftop equipment. Mr. Hicks had no questions. He said he had no negative feedback on the architecture. Mr. White also liked the plan.

Several Planning Commission members explained what their role was (and was not) with regard to approving residential use on this property.

Decision: Mr. Hicks motioned that the Planning Commission approve Site Plan SP06-07, AP SP267818, with conditions and recommendations as listed in the staff report for the proposed site plan, based on the findings and conclusions of the staff report and the testimony exhibits and documentary evidence produced at the public meeting.

Mr. Rensberger seconded the motion. Ms. Sepe suggested placing the same conditions to this motion, as the earlier site plan, including lighting height up to 18 feet, not to exceed the existing poles along the right of way and no fencing on the adjacent property, and to have the applicant work with staff to add landscaping along the south corner, along the ramp to try to hide a little more of the two electrical yards and loading area. Mr. Hicks agreed to amend his motion, Mr. Rensberger seconded the amended motion.

VOTE	5-0-0-1
FOR:	5 - Tressler, Hicks, Sepe, Rensberger, White
AGAINST:	0
ABSTAIN:	0
ABSENT:	1 – Bowie

7. LAND PRESERVATION, PARKS AND RECREATION PLAN

DECISION

Kimberly Golden Brandt, Director, Livable Frederick

Ms. Brandt reviewed the goals of the LPPRP, the topic areas, and the recommended edits from last month's meeting. She explained the municipal proximity maps. Questions were answered about funding sources for parks and recreation. Mr. Rensberger mentioned groups he was familiar with that have gotten permission to plant pollinator gardens that have later been mowed down by maintenance staff. Ms. Brandt said she would pass that along to Bob Hicks.

Decision: Mr. Hicks motioned that the Planning Commission recommend that the County Council adopt the 2022 Land Preservation, Parks and Recreation Plan as submitted to the Planning Commission on this day, Wednesday, May 18, 2022. Mr. White seconded the motion.

VOTE	5-0-0-1
FOR:	5 - Tressler, Hicks, Sepe, Rensberger, White
AGAINST:	0
ABSTAIN:	0
ABSENT:	1 – Bowie

8. FREDERICK COUNTY TRANSIT DEVELOPMENT PLAN

INFORMATIONAL

Roman Steichen, Director, TransIT Services of Frederick County

Mr. Steichen presented an overview of the TDP, which serves as a roadmap for future service expansion. He said current fixed route service looks very similar to the way it did in the early 2000s. TransIT has had a flat operating funding since then. There has been much increased transit demand that cannot be met at this time. The TDP presents recommendations towards meeting the demand – dependent on increased operating funding. An implementation schedule was shared for the upcoming years.

Ms. Sepe thanked Mr. Steichen for his presentation. She mentioned site plans and adding proposed (future) transit stops to the plans. Mr. Mishler offered comments on how this might be accomplished.

Discussion continued. Mr. Steichen completed his presentation.

9. COMPLETE AND GREEN STREETS PLAN

INFORMATIONAL

*Kimberly Golden Brandt, Director, Livable Frederick
Mark Mishler, Project Manager Division of Planning & Permitting
Amanda Havener, P.E. Project Engineer, JMT*

Mr. Mishler explained that the plan was a result of policy adopted in 2020 by the County Executive. Policy and plan were both identified as initiatives in the Livable Frederick Master Plan. The plan was prepared with the assistance of a consultant. The plan was presented to the public on April 28th for public comment. The public comment period is open through May 30. Ms. Havener then began her presentation, sharing the project's scope and project goals. Different categories of context zones were explained. Complete Streets ensure that streets are safe for people of all ages and abilities, balance the needs of different modes, and support local economies, cultures, and natural environments. Green Streets integrate best management practices of Environmental Site Design into transportation corridors and projects. Sample projects were provided for both Complete Streets and Green Streets.

Mr. White found the presentation interesting and very thorough; Ms. Sepe asked about public comment and how this was promoted. Mr. Mishler responded with the many ways the public was informed. On-street parking was discussed as were transit stops.

Mr. Rensberger motioned to adjourn. Mr. Hicks, 2nd. All in favor of adjournment.

Meeting adjourned 1:11 p.m.


Samuel G. Tressler III, Chair


Date